

# Regional Development News & Notes



## Special Brownfields Issue

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### New Legislation

H.R. 2869 was signed into law on 1/11/02 (Public Law 107-118). The new law gives independent legislative authority to the Program, and improves funding and implementation tools over the old set-up under Superfund and RCRA laws. The new law combines Small Business Liability and Brownfields Revitalization in one package.

### What is a Brownfield Site?

A Brownfield site is real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.

### Who Manages the NH Brownfields Program?



New Hampshire Department of Environmental Services

The New Hampshire Department of Environmental Services (NHDES) manages the Brownfields program here in NH.

The Brownfields Program encourages the redevelopment of contaminated properties through provisions that limit the legal liability of owners or prospective buyers who redevelop contaminated sites and who meet the program's eligibility criteria concerning liability for the release of contaminants. For more information about the Brownfields Program, contact Mike Wimsatt, Brownfields Coordinator, at (603) 271-6422 or e-mail him at [mwimsatt@des.state.nh.us](mailto:mwimsatt@des.state.nh.us).

### *Public Law 107-118, Title I*

### Small Business Liability Relief

The first section of the new law deals with limiting liability of certain small businesses. Briefly stated, this section:

- Exempts certain small volume contributors from Superfund liability.
- Exempts certain contributors of municipal solid waste from Superfund liability.
- Shifts court costs and attorneys fees to a private party if a private party loses a Superfund contribution action against a de minimis (small quantity) or municipal solid waste exempt party.



### EPA Federal Contacts

In addition to the New Hampshire DES contacts, the following individuals are available for assistance:

**Brownfields Program:** Sven-Erik Kaiser  
202-260-5138

**Enforcement/Liability:** Paul Connor  
202-564-5114

*Title II – Subtitle A*  
**Brownfields Program**

Section II of the new law outlines the Brownfields Program itself. Here are the highlights:

- Provides legislative authority for brownfields program including grants for assessment and cleanup.
- Expands current brownfields program by increasing funding authority up to **\$200 million per year** including up to **\$50 million per year to assess and cleanup brownfields with petroleum contamination**.
- Expands eligibility for assessment and cleanup grants.
- New provision for **direct cleanup grants of up to \$200,000 per site**.
- Streamlines current requirements for the brownfields cleanup revolving loan fund and ***makes funding available to nonprofits***.
- Applies Davis Bacon Act on same terms as authority for current program
- Makes funds available for technical assistance, training and research.

***Subtitles B and C***

These parts of the new law deal specifically with the following two items:

- 1) Brownfields Liability Clarifications
- 2) State Response Programs

For detailed information on these, please go to the EPA web page listed here:

<http://www.epa.gov/swerosps/bf/gdc.htm>

**NH Brownfields Cleanup  
Revolving Loan Fund  
Program (BCRLF)**

In order to address the lack of financial resources for remediation of brownfields sites, the NH Legislature passed HB 1416 to establish the Brownfields Cleanup Revolving Loan Fund (BCRLF). The BCRLF bill became law on June 20, 2000. It is intended to be a flexible financing tool that provides owners, developers and/or municipalities to fund the remediation of contaminated properties. The BCRLF was made possible by a partnership formed between state agencies and municipalities. The New Hampshire Department of Environmental Services manages the BCRLF.

For specific information (including types of sites and activities that qualify for these funds) on the BCRLF, contact NHDES. Some of the key points are:

- Loans typically range from \$50,000 to \$200,000.
- Interest rates range between 3% and 7%.
- Repayment terms are negotiable up to a maximum of 10 years.
- Private and public entities may apply for money (this includes RDCs!).

**BCRLF Direct Financial Assistance**

In addition to making project loans, NHDES may use BCRLF funds for costs incurred for site-specific activities necessary to carry out its responsibilities under Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). For details on this item, you should contact the BCRLF Project Director, Joyce Bledsoe, at 603-271-2987.